Previous references.

File No. 3–05

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Serial Nos. 11 14

(Banking)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 11 to 14

Part B. for December 1905.

SUBJECT.

Procedure to be followed regarding the sale of Melhalli Block of the Udevar Estate mortgaged to the Agricultural Bank at Saklespur.

FILE No. 3 of 1905-06.

Procedure to be adopted with regard to the sale of the Melhalli Block of the Udevar Estate mortgaged to the Saklespur Agricultural Bank.

11	From the Deputy Commissioner, Hassan District. Submits for approval of Government copy of sale proclamation touching the sale of the Melhalli block, etc, of the Udevar Estate to be published in the Gazette after fixing the date of sale and solicits instructions on certain points raised in connection with the procedure to be followed in their sale.
14	To the Deputy Commissioner of Hassan, No. 3608, dated 7th December 1905. Informs him that he was merely requested to apply the provisions of Regulation, No. II of 1903, by which loans made to Agricultural Banks are made recoverable as arrears of land revenue, for the recovery of the amount due by Udevar brothers.

G. R. S. 11] 1905

GENERAL AND REVENUE SECRETARIAT

(Banking)

NOTES.

File. No 3-05-06

FILE HEADING.

Management of the Estates hypothecated to the late Agricultural Bank at Sakleshpur - Manjarabad Taluk

From

The Dy-Commissioner - Hassan District

No. 40/2963 Dated 15-11-05 Received 17-11-05

Diary No. 2132 | Enclos. 1 | Spare Copies. | Serial No. 11

BRIEF ABSTRACT OF LETTER.

Submits for approval of Govt. copy of Sale Proclamation to be published touching the sale of Mulkalli block &c of the Edavar Estate to be published in the Gazette after fixing the date of sale and solicits instructions on certain points raised in connection with the procedure to be followed in their sale -

NOTES AND ORDERS.

Revy Branch I be consulted in this matter?

BK
23/11/05

Yes
24-11-05

mg
24.11.05.

read
1/12/05

I cannot easily make out

Notes—First sheet.

MGCPB—30,000—17-2-05.

Serial No.

letter from the note in from the
Dy Commrs' letter, as to the exact
points on which my opinion is
required. The Dy Commr apparently
construes the direction contained
in the order marked Flag S to sell
the property (the Mukhalli Block)
by adopting the proceedings laid
down in the Land Rev Code for recovery
of arrears of revenue as requiring
him to sell the estate for the
arrears of revenue due thereon and
points out certain objections to
this course. If the object was
to have the property sold for arrears
of revenue to avoid the difficulties
that are likely to arise by
taking steps for the recovery of
the instalments due to the
Agricultural Bank as in this
latter case only the right title
and interest of the defaulter may
be sold then the Dy Commrs
objections are valid. Before any
steps may be taken for the
recovery of the arrears of
revenue it is necessary that

MGCPB—20,000—1-11-04.

Serial No.

the revenue must be in arrears
& overdue & as pointed out by
the Dy Comm the current
year's assessment having already
been already paid the next year's
revenue assessment cannot be
claimed before April next.
After default a demand notice
must be issued & then there shall
be a declaration of forfeiture &
the sale of the property. All these
steps can be taken only after
April next & they are likely to
be defeated if the object is to
prevent the estate continuing
under its present unsatisfactory
management by the assessment
being paid at any time before
the sale. But I do not think
that the object of the Post order
(Flag S) was this. It required
the Dy Comm merely to apply
the provisions of Reg^n No II of 1903
by which loans made to Agricultural
Banks are made recoverable
as arrears of land revenue
for the recovery of the instalments

MGCPB—20,000—1-11-04.

Serial No.

Ref Q

Due by the Godavari Bankers
Of course there is a difference
between land revenue and
any other demand which is
declared to be recoverable as
an arrear of land revenue.
for the priority given by s. 56 d. to
all other claims
to arrears of land revenue is
strictly confined to the land
of which the assessment is in
arrears and does not extend to
any other claim, even the unsecured
balance remaining after the land
in question is sold + fails to
realize enough to make up
having to be recovered, if not remitted by
the assessment. So for the
recovery of the loan due to the
Bank, and the right hitherto
interest of the persons who entered
into the transaction with the
bank or those whom they can
legally bind by virtue of being
managers of the family or other
representative capacity can be
sold + if the property is subject
to any other prior encumbrance
before the loan was taken, the

proceeding against
and the right title
interest of the
defaulter in his other
properties

MGCPB—20,000—1-11-04.

Serial No.

property will have to be sold subject to them. What difficulty the Govt anticipates by proceeding to recover the instalments due to the Bank under the provisions of the Land Rev Code are not stated as no information is forthcoming as to what are the encumbrances to which the property is subject & the nature of the hold put over the property

for obvious reasons even when the arrears of land revenue become the claim cannot be backed but will have to be kept distinct

Submitted for orders
MG 1.XII.05 — 1-12-05

for a draft. I think the sale for the recovery of the loan is to be under regulation II of 1903.

2.12.1905

Draft ruled hereto
BK 4/12/05. — 4-12-05

Passed
5.12.1905
5-12-05

G.R.S. 12]

General and Revenue Secretariat.

File No. 3 of 1905-6.

Serial No.

14 To the D.C. Hassan, No. 3605 of 7.12.05:

Informs him that he was merely requested to apply the provisions of Regn. No. II of 1903, by which loans made to Agrl. Banks are made recoverable as arrears of land-revenue for the recovery of the amount due by Hdewar brothers.

MGCPB—20,000—1-11-04.

ii Leg-11-05 1905-06 D1 12/32

Mis-11 B.3-05-06

From

P. R. W. Wetherall Esquire -
Deputy Commissioner
Kolar District

To

B. K. Venkatavaradiengar Esquire
Secretary to the Government of
His Highness the Maharaja of Mysore
General and Revenue Departments
Bangalore.

Dated 15th November 1905

Despatched 16th

Received

General No. 40

No. Ag/B

Enclosure No. One

Soliciting early instructions
of Government in the
matter of the sale of
the Melhalli and two
other Blocks of the
Eldewar Estate.

1905-06

G.O. 40/Agrl - Encl Ans.

Deputy Commissioners office
Hassan District
Dated 15th November 1905

From,

P. R. W. Wetherall. Esquire.
Deputy Commissioner
Hassan District

To,

B. K Venkataravadhanyar Esquire
Secretary to the Govern ent
of His Highness the Maharaja
of Mysore
Revenue and Revenue departments
Bangalore.

Sir,

With reference to Govern-
ment Proceedings no. H 6774-6 dated + Plan S
B. 33-04
5th April 1905 sanctioning the sale of
Melhalli Block of the Aldevar Estate
under Government management.
and ordering that the sale must
take place under the rules for
the realization of Land Revenue
and the procedure prescribed for

the

the purpose should be adopted"
also para 5 of Government Proceedings
No: F. 1457-9 dated 1st September 1905
B. 2-05-5
sanctioning the sale of the Anekal
and Arahalli roadside Blocks of
the same Estate with the Inelhalli
Block. I have the honour to submit
herewith for approval of Govern-
ment Copy of sale proclamation
to be published in the Mysore Gazette
after fixing date of the sale
and to state that the land Revenue
of the current official year, amounting
to Rs. paise 142-4-6 due on the lands
in question has alone been entered
in the Schedule appended to the
sale proclamation omitting the
amount of the loan obtained by
the Eldewar Brothers from the late
Sakleshur Agricultural Bank with
interest thereon, which, if included,
would characterize the sale as
one of merely right title and
interest of the Eldewar Brothers
in the said lands, and not an
outright sale which would convey

a clear title to the purchaser of these hypothecated lands from Government. (Vide Sections 161 and 193 of Land Revenue Code and the Agricultural Banks Regulation II of 1903). Flag Q

2. Further it appears doubtful whether the procedure for realization of Land Revenue can be adopted for sale of the above mentioned lands before the land revenue of the same actually falls due (Vide Section 145 of the Land Revenue Code). And Rule 88 of the Land Revenue Rules extends the date within which assessment on Coffee lands may be paid up to the 30th April of the official year for which it is due viz 30th April 1906 in this instance.

3. It may be also mentioned here that to render the sale legal for recovery of merely the Land Revenue due on these lands it would be necessary to previously serve

serve a demand notice on the Eldevar Brothers who are the Khatedars. This would in all probability have the effect of payment of the Land Revenue due for the current year and thus precludes a sale being held. Moreover Section 159 Land Revenue Code and Land Revenue Rule 35 imply that a Forfeiture order should be passed prior to sale.

4. ~~Preservation~~ Condition 5 of the printed Sale Proclamation (prescribed under Govt notification No R 1064-369-5 dated 8th Aug 1964) provides that the sale shall be stayed if the defaulter or any person acting on his behalf or claiming an interest in the property tenders the full amount of the arrears of Revenue with interest and other charges provided such tender be made before the property is knocked down. This Condition requires to be removed from

Flag

the

(if permissible)
the sale proclamation in so much
as it would enable one or
other of the Eldevar Brothers or
some one on their behalf to pay
up the current year's assessment
due on those portions of the Estate
and thus abstract the sale.

5. It may be stated here
that the assessment on these
lands and others comprising
the Eldevar Coffee Estates of or
1903-04 and 1904-05 have been
paid from the sale proceeds
of the Coffee Crops of those years,
since the said Estate was first
under Bank management and
subsequently under Government
management.

6. I would beg to invite
reference to Section 55 of the
Land Revenue Code the provisions
of which appear to be useful
for the disposal of the above-
mentioned

mentioned lands, if so authorized by Government

7. Under the above circumstances, I request that you will be so good as to obtain early instructions of Government on the above mentioned point and communicate the same to me for adoption in the matter of the sale of the lands above referred to.

I have the honour to be,
Sir,
Your most obedient Servant

W. H. Wilkerall

Deputy Commissioner
Upper Hasaan District

compd
Encls.

G.R.S. 23]

File No. 3905
Serial No. 14

Diary No. of letter replied to 2132

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Banking)

, the 7-12-1905

Date of issue do

Signed by H V Sampara (Hd Clk)

READ.—

(1) G.O. No. H 6994-6 B.33-04 of the 15th April 1905 sanctioning the sale of the Melkatte block of the Tadeyar mortgaged to the late Agricultural Bank of Kolar Estate and directing that the sale should take place under the rules for the realisation of land revenue and the procedure prescribed therefor should be adopted;

~~ORDER THEREON. — No.~~

(2) G.O. No. H 1457-9 B.2-05-5 of the 1st September 1905 approving the

over

SUBJECT

MGCPB—9,000—11-9-04

proposal of the Dy. Commr. of the Hazara District to sell the other two blocks of the said Estate and the Inchhalli block together.

(3) Letter No. 40/agk of the 15th Novr. 1905 from the Dy. Commr. of the Hazara District submitting for approval a copy of the proclamation relating to the sale of the above blocks of land & pointing out certain objections against the procedure directed to be followed in the sale of the said blocks and soliciting instructions in the matter

Order No. H 3608/B 3-05-14 & 7-12-05

Govt. observe that the Dy. Commr. apparently construes the direction contained in the first of the Govt. orders read above to sell the Inchhalli block ~~by adopting the proceedings~~ as per rules laid down in the Land Rev. Code for recovery of arrears of revenue as requiring him to sell the Estate for the arrears of revenue due thereon

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

It is pointed out that it was not the object of the above order which requested the Dy. Commr. was merely to apply the provisions of Regulation No. II of 1903 by which loans made to Agricultural Banks are made recoverable as arrears of land revenue for the recovery of the amount of the loan due by the Sidewar brothers and the Dy. Commissioner is requested to move accordingly in the matter.

5.12.15
Secretary

4/12/15

To

The Dy. Commissioner
Hoshiarpur

4/12/15

7/12
6/12